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CASE 47-19658/A

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF

Art Unit: 1502

BRUGGER ET AL.

Examiner: R. Bawa

APPLICATION NO: 08/288,415

FILED: AUGUST 9, 1994

FOR: AN AEROSOL CONTAINER AND A METHOD FOR STORAGE AND  
ADMINISTRATION OF A PRE-DETERMINED AMOUNT OF A  
PHARMACEUTICALLY ACTIVE AEROSOL

13/Reg for  
Recons

Betz  
1-8-98  
Betz  
1/1/98

Assistant Commissioner for Patents  
Washington, D.C. 20231

**Response Under 37 C.F.R. 1.111**

Sir:

This response is filed in reply to the office action mailed on September 15, 1997. Claims 2-15 are pending in the application. Claims 2-15 stand rejected under 35 U.S.C. 103.

**REMARKS**

Claims 2-15 stand rejected under 35 U.S.C. 103 as being unpatentable over Gennaro, in view of Stetz et al. Applicants respectfully traverse the rejection and request reconsideration of the application.

**The Invention**

Applicants claim an aerosol container system which is used to meter and administer pharmaceutically active aerosols supplied in the form of a suspension, the suspension which includes a pharmaceutically active agent (PAA) and a propellant gas which is free of fluorochlorohydrocarbons and which comprises "alternative propellant gases", such as fluorohydrocarbons. The container comprises a container wall, the inner portion of said container